

APPEAL NO. 022511
FILED NOVEMBER 18, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on September 6, 2002. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable repetitive trauma injury; that the date of injury was in 1997; that the claimant did not timely report the date of the claimed injury to the employer; and that the respondent (carrier) is relieved of liability for the claimed injury because of the claimant's failure to timely report the injury to the employer. The claimant appeals these determinations on sufficiency of the evidence grounds. The carrier responds, urging affirmance.

DECISION

Affirmed.

The claimant had the burden to prove that she sustained a compensable repetitive trauma injury as defined by Section 401.011(36), and that she gave timely notice of her injury to her employer pursuant to Section 409.001(a). An occupational disease includes a repetitive trauma injury. Section 401.011(34). The date of injury for an occupational disease is the date the employee knew or should have known that the disease may be related to the employment. Section 408.007. Conflicting evidence was presented on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer resolved the conflicts in the evidence by determining that the claimant did not sustain a repetitive trauma injury; that the date of the claimed injury was in 1997; and that the claimant failed to timely report her injury to her employer. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **STATE OFFICE OF RISK MANAGEMENT (a self-insured governmental entity)** and the name and address of its registered agent for service of process is

For service in person the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR
STATE OFFICE OF RISK MANAGEMENT
300 W. 15TH STREET
WILLIAM P. CLEMENTS, JR. STATE OFFICE BUILDING, 6TH FLOOR
AUSTIN, TEXAS 78701.**

For service by mail the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR
STATE OFFICE OF RISK MANAGEMENT
P.O. BOX 13777
AUSTIN, TEXAS 78711-3777.**

Margaret L. Turner
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Michael B. McShane
Appeals Panel
Manager/Judge